

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

LN MANAGEMENT LLC SERIES 5204  
PAINTED SANDS,

Plaintiff,

v.

WELLS FARGO BANK, N.A.; et al.,

Defendants.

2:13-cv-1200-LDG-PAL

By order filed December 12, 2013 (#30), the court ordered that “the parties shall have 30 days from the date of this order in which to file supplemental briefs on whether a lack of mandatory notice to prior lienholders bears on due process or the legislature’s intent regarding extinguishment when enacting NRS 116.3116, and directed that any responses must be filed within 10 days after the filing of the supplemental briefs.

Defendant Wells Fargo Bank, N.A., filed its supplemental brief on January 10, 2014 (#31). Plaintiff LN Management LLC Series 5204 Painted Sands has failed to file its supplemental brief. The court will require plaintiff to show cause why sanctions should not be imposed for its noncompliance.

It has also come to the court’s attention that the issue of whether, pursuant to NRS 116.3116, a prior mortgage is extinguished upon an HOA foreclosure sale is now before the Nevada Supreme Court, which has scheduled oral arguments in early May, 2014. Since the


1 Nevada Supreme Court's decision potentially would be dispositive of the merits of the instant  
2 case, the court finds it prudent to defer ruling on the pending motion to dismiss and injunctive  
3 relief, especially in view of plaintiff's failure to file its supplemental brief. Accordingly,

4 THE COURT HEREBY ORDERS that plaintiff LN Management LLC Series 5204  
5 Painted Sands shall have 20 days from the filing of this order in which to show cause why  
6 sanctions should not be imposed for its failure to comply with the court's December 12, 2013,  
7 order. Defendant Wells Fargo Bank, N.A. shall have 10 days thereafter in which to file a  
8 response to plaintiff's showing. Defendant's response should also address what sanctions should  
9 be considered by the court.

10 THE COURT FURTHER ORDERS that defendant's motion to dismiss (#4) is DENIED  
11 without prejudice to its refiling after the Nevada Supreme Court's anticipated ruling.

12 THE COURT FURTHER ORDERS that plaintiff's emergency motion for temporary  
13 restraining order (#6) is DENIED as moot.

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15 DATED this 27 day of March, 2014.

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Lloyd D. George  
United States District Judge